

**MINUTES OF PUBLIC MEETING OF THE
ARIZONA GEOGRAPHIC INFORMATION COUNCIL
OF MEETING HELD APRIL 7, 2005**

A public meeting of the Arizona Geographic Information Council was convened at 9:00 am on April 7, 2005 at the Arizona State Land Department, 1616 West Adams Street, Phoenix, AZ 85007 in Room 321. Present at the meeting were the following members or designees of the Arizona Geographic Information Council:

Lisa Danka, Arizona Department of Commerce
Victor Gass, Arizona Department of Environmental Quality
Chris Newton, Arizona Department of Health Services
Jami Garrison, Arizona Department of Transportation
Dena Gambrel, Arizona Department of Water Resources
Gene Trobia, Arizona State Cartographer's Office
Gary Irish, Arizona State Land Department
Craig Wissler, University of Arizona
Jack Johnson, Bureau of Land Management
Tom Sturm, US Geological Survey (Telephone Conference)
Dave Minkel, National Geodetic Survey
Keith Larson, Natural Resource Conservation Service
Timothy Smothers, League of Arizona Cities and Towns
Rita Walton, Maricopa Association of Governments
Kevin Blake, Northern Arizona Geographic Information Forum
Manny Rosas, Pima Association of Governments
Rick Harrington, Southern Arizona Geographic Information Systems

Absent were:

Sharon Nicholson, Arizona Department of Public Safety
Richard Oland, Arizona Department of Revenue
Linda Strock, Arizona Department of Economic Security
Brenda Fox-Grey, Arizona Department of Education
Leland Dexter, Northern Arizona University
Larry Fellows, Arizona Geological Survey
Bradley McNeill, Arizona State Parks
Chris English, Bureau of Indian Affairs
Candace Bogart, USDA Forest Service
Rodney Hampton, Arizona Association of Counties
Scott Bowman, Yuma Regional Geographic Information System
Lee Harbors, AZ Professional Land Surveyors
Howard Ward, Private Sector

The following matters were discussed, considered, and decided at the meeting:

- I. Call to Order. The Council was called to order at 9:00 a.m. by Timothy Smothers AGIC President. A count of Board Members established that a quorum was present (see list of Board members and alternates) with Tom Sturm attending by telephone conference.
- II. A special report on Attorney General's Handbook, Chapter 7 OPEN MEETINGS, was presented and a discussion conducted by Guest Speaker Joy Hernbrode from the Arizona Attorney General's Office (AG's).

During this report the following areas were reviewed by Ms. Hernbrode and questions answered during the presentation. The Handbook can be found on the AG's website <http://www.azag.gov/>. Ms. Hernbrode provided several copies for board member's reference during the presentation.

ITEM: 7.1 - .3 Open Meeting Laws apply to all public bodies.

The Open Meeting Law applies only to multimember bodies and not to deliberations and meetings held or conducted by the single head of an agency.

“Public Bodies” means the legislature, all boards and commissions of this state or political subdivision, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body. (*Attorney General's Handbook, Chapter 7, Section 7.3.1*)

Public Bodies are generally listed into 5 categories 1) boards, commissions, and other multimember governing bodies; 2) quasi-governmental corporations; 3) quasi-judicial bodies; 4) advisory committees; and 5) standing and special committees and subcommittees of any of the above (A.R.S. § 39-431(6)).

Multi-agency governing bodies such as AGIC fall under the provision of the Open Meeting Law, as do any subcommittees of 2 members or more. Staff is not subject to the law.

Ms. Hernbrode also mentioned that minutes were not required, but were strongly recommended as a means of tracking past decisions and actions. A taped recording as the sole reference or in addition to meeting minutes was also recommended.

ITEM: 7.5. Actions and Activities Covered by the Open Meeting Law.

A meeting was defined as a gathering of persons or technical devices with a quorum of the membership in attendance. Any meeting with less than a quorum was deemed invalid and any decisions, motions or actions taken therein would have no effect.

Telephone conferencing is acceptable as long as the public is allowed to participate in the meeting, usually by being present in a room where a speaker phone is available and on at a level where all in attendance can clearly hear what is being said by the board or subcommittee members. See. 7.10.2 Telephone Conferences.

If a possible quorum of the board or any subcommittee is attending a social function, it should be noticed. It should also be noticed whether or not business would be conducted.

ITEM: Chapter 7.6 Notice of Meetings

All meeting notices should be posted a minimum of 24 hours in advance of the meeting. The notice must contain who, time date and place. It may be combined with an agenda.

An “actual emergency.” A meeting may be held upon such shorter notice as is “appropriate under the circumstances.” An actual emergency exists when due to unforeseen circumstances the health and safety of human welfare are an issue. It DOES NOT allow a meeting without notice, a meeting notice must still be provided with as much advance timing as possible.

A notice must be given for a meeting for the public body to ratify a prior act taken in violation of the Open Meeting Law seventy-two hours in advance.

A meeting may be recessed and reconvened in a reasonable amount of time, i.e., same day, next business day morning or afternoon. A week or month later is not acceptable.

A copy of the hand out materials is not required to be handed out to the public at the meeting. However, back up materials and hand outs must be available for public review 24 hours in advance of a posted meeting. The public has the right to come in and examine all materials before or after meeting.

Meetings must be held in a location that is available to the public without restrictions. This excludes any location that requires members of the public to sign in or show identification to gain access.

ITEM: Chapter 7.7.7 Calls to the Public

Legislation provides that a public body may make an open call to the public to allow individuals to address the public body on any issue within the jurisdiction of the public body. However, members of the public body may not discuss or take action on matters raised by the public, that are not specifically identified on the posted agenda.

ITEM: Chapter 7.9 Executive Sessions

A public body may choose to go into Executive Sessions. A public notice must be given of the Executive session and an agenda provided of items for discussion within the executive session.

Executive sessions may be held to discuss personnel matters; confidential records; legal advice; litigation, contract negotiations, and settlement discussions; employee salary discussions; international, interstate, and tribal negotiations; purchase, sale or lease of real property; or taking legal action.

ITEM: Chapter 7.12 Sanctions for Violations of the Open Meeting Law

If Open Meeting Law is violated, any actions taken or decisions made are null and void.

In some cases, the public body may have discussed a matter at an unlawful meeting, but thereafter met in a lawful open meeting at which it took a formal vote as its “final action.” The Arizona Court of Appeals has held that the subsequent “final action” taken at a lawful meeting is not void. *Valencia v. Cota* 126 Ariz. 555, 617 P.2d 63 (App. 1980)

The public can file actions without going through the Attorney General’s office. Violations may result in a personal fine of \$500 per participating person/per violation, not to be covered by the public body or sponsoring agency. (Emphasis added.)

Discussion

Tim Smothers asked how far back is the public body responsible for complying with the Open Meeting Law. Ms. Hernbrode responded there is no “statute of limitations” for Open Meeting Law.

Manny Rosa asked if the president violates the Open Meeting Law is the whole board responsible for his actions. Ms. Hernbrode responded decisions and actions are taken on a case by case matter.

Manny Rosa asked if posting notice on the AGLIC L (Listing server) is ok? Ms. Hernbrode responded with if the information is going one way, i.e., out to the membership. Wait to have the discussion at the meeting, do not “reply all.” If it does not relate to AGIC Board business, then “reply all” is acceptable.

III: Insure other board members receive this information and training. Joy will attend the next AGIC Board meeting. Provide her with date, time and location as soon as possible.

IV. Adjournment

Dave Minkel moved to adjourn. Seconded by Jami Garrison. Motion was approved unanimously. Meeting adjourned at 11:02 a.m.

Attachments:

Copy of Attorney General’s Handbook, Chapter 7 OPEN MEETINGS